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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,038	10/21/2003	Byung-Lae Lee	1572.1162	4511
21171	7590	04/12/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,038	LEE, BYUNG-LAE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/21/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-15 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Angelo et al. (Angelo), U.S. patent no. 5,859,911.

As per claim 11, Angelo discloses an electronic device [a computer system] comprising:

a microcomputer with updateable firmware and configured to detect a firmware update state, and to block electronic device shutdown request during the update state [fig. 6, col. 5, lines 8-14, 22-30].

As per claim 12, Angelo discloses an electronic device [a computer system] comprising:

a microcomputer with updateable firmware [col. 5, lines 8-10];

a power switching part generating an on/off power control signal controlling power supply to the electronic device [col. 5, lines 10-13; emphasis added, "a control signal which disable a power button or a reset button"]; and

an updating system block the on/off power control signal during the microcomputer firmware [fig. 6, col. 5, lines 8-14, 22-30].

As per claim 15 is contained the same limitations as claim 12. therefore, same rejection is applied.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo et al. (Angelo), U.S. patent no. 5,859,911 in view of Chen (Chen), US publication no. 2001/0049783.

As per claim 13, Angelo does not explicitly disclose a signal cut-off part.

Chen discloses a signal cut-off part cutting off the on/off power control signal and wherein the updating system controls the microcomputer to output a control signal to the signal cut off part to cut off the on/off power control signal during the microcomputer firmware updating [fig. 2; paragraphs 0017, 0019].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Angelo and Chen because they both teach of preventing

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power off a computer system during an update process, the specify teachings of Chen stated above would improve the performance and reliability of Angelo system by implementing a detailed signal cut-off part.

As per claim 14, Chen discloses the signal cut-off part is OR gate becoming a open circuit block transmission of the on/off power control signal the microcomputer, according to the control signal from the microcomputer and having a high state and a low state according to the on/off power control signal to the microcomputer to control power supply to the electronic device [paragraphs 0021]. However, Chen may inherently implement an OR gate as a tri-state buffer gate to perform the same function [0023].

7. As per claim 1 is contained the same limitations as claims 12 and 13. Therefore, same rejection is applied.

As per claim 2, Chen discloses the microcomputer generates a control signal when an update by the updating system is started and ended, and the signal cut-off part cut off the on/off handling signal of the power switching part and release the cut-off thereof based on the control signal [fig. 2; paragraphs 0017-0019].

As per claim 3, Chen discloses the microcomputer generates a cut-off control signal when an update by the updating system is started and a release control signal when the update by the updating system is ended, and the signal cut-off pad cuts off the on/off handling signal of the power switching pad and releases the cut-off thereof based on the cut-off control signal and the release control signal [fig. 2; paragraphs 0017-0019].

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As to claims 4 and 5, Chen discloses the signal cut-off part is OR gate [paragraphs 0021]. However, Chen may inherently implement an OR gate as a tri-state buffer gate to perform the same function [0023].

As per claim 6, Chen discloses the signal cut-off part is provided between the power switching part and the microcomputer [fig. 2; paragraph 0019].

Regarding to claims 7-10, Angelo and Chen together teaches the claimed system. Therefore, Angelo and Chen together teach the claimed method of steps to carry out the claimed method of steps.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Apr. 10 2006

  
**CHUN CAO**  
**PRIMARY EXAMINER**